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LAWRENCE N. COHN
RICHARD A. HELMICK
WAYNE COY, JR.
J. BRIAN DE BOICE

SUSAN V. SACHS
KEVIN M. GOLDBERG
JOSEPH M. DI SCIPIO

SUITE 300
1920 N STREET N.W.
WASHINGTON, D.C. 20036-1622

TELEPHONE (202) 293-3860
FACSIMILE (202) 293-4827
HOMEPAGE WWW.COHNMARKS.COM

OF COUNSEL
MARCUS COHN
LEONARD H. MARKS
STANLEY S. NEUSTADT
RICHARD M. SCHMIDT, JR.

DIRECT DIAL: (202) 452-4831
INTERNET ADDRESS: RAH@cohnmarks.com

February 24, 1999

VIA HAND DELIVERY

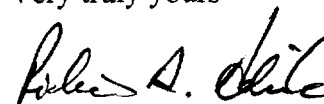
Ms. Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Dear Ms. Salas

Submitted on behalf of Alpine Broadcasting Limited Partnership, permittee of unbuilt FM Broadcast Station KHYF, Taos, New Mexico, and assignee of FM Broadcast Station KKIT, Angel Fire, New Mexico, are an original and four copies of a Petition for Rule Making seeking to amend the Table of Allotments for FM Broadcast Stations, Section 73.202 (b) of the Rules.

Any questions concerning this matter should be addressed to undersigned counsel.

Very truly yours


Richard A. Helmick

Enclosures

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FEB 24 1999

Federal Communications Commission
Office of Secretary

BEFORE THE

Federal Communications Commission

In the Matter of)
)
Amendment of Section 73.202 (b),) RM-
Table of Allotments, FM Broadcast Stations)
(Angel Fire, Taos and Chama, New Mexico))

To: Chief, Mass Media Bureau

PETITION FOR RULE MAKING

Alpine Broadcasting Limited Partnership ("Alpine"), permittee of unbuilt FM Broadcast Station KHYF, Taos, New Mexico, and approved assignee^{1/} of FM Broadcast Station KKIT, Angel Fire, New Mexico, through its attorneys and pursuant to Sections 1.401 and 1.420 of the Commission's Rules, hereby requests that the Table of Allotments for FM Broadcast Stations, Section 73.202 (b) of the Commission's Rules, be amended as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Angel Fire, New Mexico	256C2	260C2
Taos, New Mexico	260C, 268C1	256C, 268C1
Chama, New Mexico	255A	221A

In support of such request, the following is set forth.

^{1/} On October 26, 1998, the Commission authorized the assignment of license of Station KKIT, Angel Fire, New Mexico, from Moreno Valley Broadcasting ("MVB"), a New Mexico general partnership, to Scott D. Parker, Alpine's sole general partner (File No. BALH-980909EA); on December 21, 1998, the Commission granted a pro forma application assigning the KKIT purchase rights from Parker to Alpine (File No. BALH-981202HA). The KKIT purchase and sale has not yet been consummated pending finality of a February 4, 1999, decision of the Eighth Judicial District Court, County of Taos, State of New Mexico, in Case No. 98-431-CV, which adjudicated a dispute between MVB's two general partners as to the sale of KKIT; Alpine expects to consummate the KKIT transaction in March 1999 and, by letter dated February 5, 1999, has requested an extension of time from the Commission to consummate such transaction.

1. Pursuant to Commission authority granted on February 4, 1999, in File No. BAPH-981123GE, Alpine acquired the construction permit for unbuilt FM Broadcast Station KHYF from EBT Broadcasting LLC on February 11, 1999. The Commission's authorization for Alpine to acquire the KHYF permit was conditioned as follows^{2/}:

The authority to construct granted under BPH-941220MD, as modified by the grant of BMPH-980925JB, expires six (6) months from the date of grant of that modification [the modification was granted on November 18, 1998, to expire on May 18, 1999] unless consummation occurs within that time, in which case such authority shall extend twelve (12) months from the date of consummation.

2. As the transmitter site specified in the KHYF construction permit (BPH-941220MD) does not have electrical power and, therefore, is not usable, in order to meet the February 11, 2000, construction deadline/condition specified in BAPH-981123GE, Alpine filed, on February 18, 1999, an application to modify the KHYF permit to, in part, specify an existing transmitter site; however, in order to take advantage of such existing site, Alpine proposed, as an interim measure to preserve the KHYF construction permit from expiration, to downgrade KHYF from Channel 260C to Channel 260C3.

3. The instant Petition for Rule Making proposes a frequency swap between KKIT (Channel 256C2), Angel Fire, New Mexico, and KHYF (Channel 260C), Taos, New Mexico, which will permit KHYF to ultimately relocate to an existing transmitter site at San Antonio Mountain, and to operate as a Class C facility in accordance with its current channel allocation, provided that Channel 221A is substituted for Channel 255A at Chama, New Mexico, and Construction Permit BPH-961115MM for the unbuilt Chama station modified accordingly.^{3/}

4. As set forth in the attached engineering statement of Hatfield & Dawson Consulting Engineers, the proposed FM channel substitutions are fully consistent with all applicable Commission rules and regulations. Moreover, Alpine submits that the proposed channel

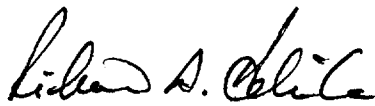
^{2/} This condition was to implement a change in the Commission's Rules, adopted on October 22, 1998, pursuant to Report and Order, MM Docket 98-43, released on November 25, 1998; effective February 16, 1999, a permittee of an unbuilt station, including an assignee of the permit, shall have a total of three unencumbered years during which it may construct such facility after which the construction permit will automatically expire without possibility of extension.

^{3/} On December 2, 1998, an application was filed to assign Construction Permit BPH-961115MM for the unbuilt Chama station from Tony Gonzales to KNXX, Inc. Should Channel 221A be substituted for Channel 255A at Chama, Alpine would be responsible for reasonable and prudent expenses associated with the frequency change.

substitutions would be in the public interest as it would permit KHYF to operate consistent with its Class C channel allocation. Accordingly, Alpine submits that its proposed FM channel substitutions would serve the public interest and the Commission is respectfully requested to issue a Notice of Proposed Rule Making to implement the instant petition.

Respectfully submitted

ALPINE BROADCASTING LIMITED PARTNERSHIP

By: 
Richard A. Helmick

COHN AND MARKS
1920 N Street, N.W.
Suite 300
Washington, D.C. 20036

Its Attorneys

February 24, 1999

JAMES B. HATFIELD, PE
BENJAMIN F. DAWSON III, PE
THOMAS M. ECKELS, PE
STEPHEN S. LOCKWOOD, PE
PAUL W. LEONARD, PE
CHRISTIANE ENSLOW REYES
ERIK C. SWANSON
DAVID J. PINION, PE
CONSULTANT

HATFIELD & DAWSON
CONSULTING ELECTRICAL ENGINEERS
9500 GREENWOOD AVE. N.
SEATTLE, WASHINGTON 98103

TELEPHONE
(206) 783-9151
FACSIMILE
(206) 789-9834
E-MAIL
hatdaw@hatdaw.com
MAURY L. HATFIELD, PE
CONSULTANT
Box 1326
ALICE SPRINGS, NT 5950
AUSTRALIA

ENGINEERING STATEMENT

PETITION FOR RULEMAKING TO
AMEND SECTION 73.202 OF THE RULES
AND REGULATIONS FOR THE FEDERAL
COMMUNICATIONS COMMISSION

TO ASSIGN FM CHANNEL 256C
FOR USE AT TAOS, NM

TO ASSIGN FM CHANNEL 260C2
FOR USE AT ANGEL FIRE, NM

TO ASSIGN FM CHANNEL 221A
FOR USE AT CHAMA, NM

ALPINE BROADCASTING LIMITED PARTNERSHIP

FEBRUARY 1999

ENGINEERING STATEMENT

This Engineering Statement has been prepared on behalf of Alpine Broadcasting Limited Partnership ("Alpine"), licensee of station KHYF(FM) channel 260C at Taos, New Mexico, and Commission-approved assignee of station KKIT(FM) 256C2 at Angel Fire, New Mexico, in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules. Alpine proposes:

- A) The substitution of channel 256C for channel 260C at Taos, and the modification of station KHYF's construction permit to specify operation on the new channel.
- B) The substitution of channel 260C2 for channel 256C2 at Angel Fire, and the modification of station KKIT's license to specify operation on the new channel.
- C) The substitution of channel 221A for channel 255A at Chama, and the modification of construction permit BPH-961115MM to specify operation on the new channel.

The proposed channel swap for KHYF and KKIT is necessary to accommodate relocation of KHYF to the San Antonio Mountain transmitter site. The site specified in the present KHYF channel 260C construction permit is not equipped with electrical power, whereas San Antonio

Hatfield & Dawson Consulting Engineers

Mountain is equipped with electrical power.¹ The channel substitution at Chama is necessary to accommodate the KHYF/KKIT channel swap.

Channel 256C at Taos, New Mexico

As outlined in the attached channel study, channel 256C can be assigned for use at Taos in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, assuming that the proposed channel substitutions at Angel Fire and Chama are also made. For this study, the coordinates specified (NL 36° 47' 33" x WL 106° 02' 49") are those of the fully-spaced site which is closest to the KRZA(FM) transmitter site on San Antonio Mountain.² The allotment site is 60 kilometers from Taos, the reference coordinates of which are NL 36° 24' 26" x WL 105° 34' 21". The reference distance to the principal community contour of a Class C station is 67 kilometers. Therefore, the proposed channel 256C allotment site would provide greater than 70 dBu coverage to all of Taos.

Channel 260C2 at Angel Fire, New Mexico

As outlined in the attached channel study, channel 260C2 can be assigned for use at Angel Fire in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, assuming that the proposed channel substitution at Taos is

¹Station KRZA(FM), licensed to Alamosa, Colorado, presently operates from a site on San Antonio Mountain

²Operation on channel 256C at the KRZA(FM) site would be short-spaced to KKMGM(FM) 255C at Pueblo, Colorado. KHYF(FM) can operate at San Antonio Mountain under the provisions of §73.215 of the Commission's Rules.

also made. For this study the coordinates of the KKIT licensed operation have been used: NL 36° 22' 33" x WL 105° 14' 12". Alpine does not propose any change of site for KKIT.

Channel 221A at Chama, New Mexico

As outlined in the attached channel study, channel 221A can be assigned for use at Angel Fire in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments. For this study the coordinates of the outstanding construction permit at Chama (FCC File No. BPH-961115MM) have been used: NL 36° 54' 11" x WL 106° 34' 35".

No Mexican Notification Required

Since neither Taos, Angel Fire, nor Chama are located within 320 kilometers of the US-Mexican border, concurrence of the Mexican government will not be required.

Seattle, WA

FM SEPARATION STUDY

Job Title :Taos KHYF 256C

Separation Buffer 100 km

Channel 256C (99.1 MHz)

FCC DB Date : 01/25/99
Coordinates : 36-47-33 106-02-49

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
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K202CU	Jansen		202D	.093	37-08-55	73.4	142.44	0
LIC	CO	BLFT980904TG	88.3	132.0	104-30-37		.00	TRANS
Translator For KTLF-FM, Colorado Springs, CO								
Vertical Polarization Only								
*To Channel 210D -From Channel 203D								

KABG	Los Alamos		253C	100.	35-46-49	201.1	120.32	105
LIC	NM	BLH970828KF	98.5	581.0	106-31-37		15.32	CLOSE

K254AB	Albuquerque		254D	.048	DA 35-03-48	199.8	203.69	0
LIC	NM	BLFT930913TA	98.7	238.0	106-48-18		.00	TRANS
Translator for KTMN, Los Alamos, NM								

NEW	Chama		255A	6.0	36-54-11	284.8	48.80	165
CP	NM	BPH961115MM	98.9	-229.0	106-34-35		-116.20	SHORT
NOTE: BPH961115MM WOULD MOVE TO CHANNEL 221A PER THIS PROPOSAL								

KKMG	Pueblo		255C	72.	38-44-43	25.3	240.60	241
LIC	CO	BLH951005KA	98.9	695.0	104-51-41		-.40	SHORT

K255AF	Crested Butte		255D	.78	DA 38-53-09	341.3	245.87	0
LIC	CO	BLFT940718TB	98.9	243.0	106-57-38		.00	TRANS
Translator For KKYY, Gunnison, CO								

KKIT	Angel Fire		256C2	5.7	36-22-33	122.4	86.01	249
LIC	NM	BLH921112KC	99.1	420.0	105-14-12		-162.99	SHORT
NOTE: KKIT WOULD MOVE TO CHANNEL 260C2 PER THIS PROPOSAL								

KGLX	Gallup		256C1	51.	35-36-18	241.6	271.51	270
LIC	NM	BLH950223KB	99.1	381.0	108-41-11		1.51	CLOSE

K256AD	Palisade		256D	.010	DA 39-05-22	323.9	318.73	0
LIC	CO	BLFT960430TC	99.1	1378.0	108-13-23		.00	TRANS
Translator For KVNF, Paonia, CO								

KMTS	Glenwood Springs		256C3	10.0	39-31-58	340.0	324.64	237
CP	CO	BPH940715IK	99.1	-90.0	107-20-30		87.64	CLEAR

KMTS	Glenwood Springs		256C3	6.2	39-31-58	340.0	324.64	237
LIC	CO	BLH940823KR	99.1	-90.0	107-20-30		87.64	CLEAR

K257DQ	Farmington		257D	.25	DA 36-41-43	267.5	194.44	0
LIC	NM	BLFT980626TE	99.3	200.0	108-13-14		.00	TRANS
Translator For KRTZ, Cortez, CO								

Seattle, WA

FM SEPARATION STUDY

Job Title :Taos KHYF 256C

Separation Buffer 100 km

Channel 256C (99.1 MHz)

FCC DB Date : 01/25/99

Coordinates : 36-47-33 106-02-49

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
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K257AS LIC	Ridgway CO	BLFT840530MA	257D 99.3	.023 377.0	38-11-11 107-46-30	316.0	217.46 .00	0 TRANS
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TRANSLATOR FOR KKXK, MONTROSE, CO.

KMGA LIC	Albuquerque NM	BLH7798	258C 99.5	22.5 1259.0	35-12-44 106-26-58	191.8	179.07 74.07	105 CLEAR
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KPTE LIC	Durango CO	BLH950711KC	259C2 99.7	9.2 344.0	37-20-21 107-49-25	291.6	169.27 64.27	105 CLEAR
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** End of separation study for channel 256C **

Seattle, WA

FM SEPARATION STUDY

Job Title :KKIT Angel Fire 260C2

Separation Buffer 100 km

FCC DB Date : 01/25/99

Channel 260C2 (99.9 MHz)

Coordinates : 36-22-33 105-14-12

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
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K207BN LIC	Trinidad CO		207D 89.3	.250 516.0	DA 36-59-33 104-28-24	44.6	96.64 .00	0 TRANS
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Translator for KTLF, Colorado Springs, CO
Transmitter located in NM.

KMGA LIC	Albuquerque NM		258C 99.5	22.5 1259.0	35-12-44 106-26-58	220.6	169.39 64.39	105 CLEAR
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KPTE LIC	Durango CO		259C2 99.7	9.2 344.0	37-20-21 107-49-25	295.7	254.27 124.27	130 CLEAR
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KHYF CP	Taos NM		260C 99.9	10.0 844.0	36-15-08 105-40-11	250.6 SS	41.25 -207.75	249 SHORT
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"*To change to Channel 260C1 per one-step application BMPH-970611ie
NOTE: KHYF WOULD MOVE TO CHANNEL 256C PER THIS PROPOSAL

ALC	Taos NM		260C1 99.9	.0	36-11-12 105-56-43	251.9	67.05 -156.95	224 SHORT
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"*From channel 260A"
NOTE: KHYF WOULD MOVE TO CHANNEL 256C PER THIS PROPOSAL

KVUU CP	Pueblo CO		260C 99.9	79. 670.0	38-44-44 104-51-42	7.0	265.08 16.08	249 CLEAR
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KVUU LIC	Pueblo CO		260C 99.9	75 610.0	38-44-47 104-51-37	7.1	265.19 16.19	249 CLEAR
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KTQFMF LIC	Clovis NM		260C1 99.9	100. 91.0	34-21-48 103-13-05	140.1	288.97 64.97	224 CLEAR
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KXTC LIC	Thoreau NM		260C 99.9	100. 369.0	35-36-13 108-40-45	255.5	322.04 73.04	249 CLEAR
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K261AA LIC	Montrose CO		261D 100.1	.053 930.0	DA 38-20-17 107-38-19	316.5	304.48 .00	0 TRANS
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Translator for KJYEFM, Grand Junction, CO.

KPEK LIC	Albuquerque NM		262C 100.3	22.5 1253.0	35-12-51 106-27-02	220.6	169.28 64.28	105 CLEAR
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** End of separation study for channel 260C2 **

Seattle, WA

FM SEPARATION STUDY

Job Title :Chama 221A

Separation Buffer 100 km

Channel 221A (92.1 MHz)

FCC DB Date : 01/25/99

Coordinates : 36-54-11 106-34-35

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
K218BF LIC	Silverton CO	BLFT920409TA	218D 91.5	.042 DA 208.0	37-48-41 107-37-58	317.6	137.57 .00	0 TRANS
Translator for KPRN, Grand Junction, CO								
KFLQ LIC	Albuquerque NM	BLED830225AB	218C 91.5	22.5 1237.0	35-12-51 106-27-02	176.5	187.75 92.75	95 CLEAR
K219CF LIC	Del Norte, etc. CO	BLFT970110TO	219D 91.7	0.25 DA 824.0	38-09-47 106-07-53	15.5	145.28 .00	0 TRANS
Translator For KTLFFM, Colorado Springs, CO Vertical Polarization Only								
K220AV LIC	Taos NM	BLFT850618TC	220D 91.9	.043 205.0	36-23-51 105-32-34	121.1	108.13 .00	0 TRANS
TRANSLATOR FOR KUNM, ALBUQUERQUE, NM.								
KDUR LIC	Durango CO	BLED810223AL	220A 91.9	.205 -137.0	37-16-31 107-52-00	290.3	121.94 49.94	72 CLEAR
K220EM LIC	Dzilth-Na-O-Dith-Hle NM	BLFT960916TD	220D 91.9	.009 300.0	36-25-03 107-50-39	244.9	125.51 .00	0 TRANS
Translator for KUNM, Albuquerque, NM								
K221DJ LIC	Farmington NM	BLFT911209TF	221D 92.1	.101 217.0	36-41-43 108-13-14	261.5	148.55 .00	0 TRANS
Translator for KISZFM, Cortez, CO								
K221DM LIC	Wagon Mound, etc. NM	BLFT940928TD	221D 92.1	.163 DA 584.0	35-59-03 104-54-13	123.8	181.37 .00	0 TRANS
Translator for KENWFM, Portales, NM								
KVRHFM LIC	Salida CO	BLH940517KA	222C3 92.3	13.5 -200.0	38-30-26 106-01-22	15.1	184.63 95.63	89 CLEAR
KRST LIC	Albuquerque NM	BMLH900424KH	222C 92.3	22.0 1268.0	35-12-55 106-27-02	176.5	187.62 22.62	165 CLEAR
Grandfathered at 22.0kw ERP & 1268m HAAT								
K223AF LIC	Pagosa Springs CO	BLFT950106TB	223D 92.5	0.01 127.0	37-15-39 107-00-04	316.7	54.81 .00	0 TRANS
Translator For KPCL, Farmington, NM- Vertical Polarization Only								

Seattle, WA

FM SEPARATION STUDY

Job Title :Chama 221A

Separation Buffer 100 km

FCC DB Date : 01/25/99

Channel 221A (92.1 MHz)

Coordinates : 36-54-11 106-34-35

Call	City	Channel	ERP(kW)	Latitude	Bearing	Dist.	Req.
Status	State	FCC File No.	Freq.	HAAT(m)	Longitude	deg-Tru	(km)

K223AF	Pagosa Springs	223D	.016	DA	37-11-32	304.9	56.47
APP	CO	BPFT970814TB	92.5	508.0	107-05-55		.00
Translator For KPCL, Farmington, NM							

NEW-T	Mountain Village	224D	.154	DA	37-59-29	314.9	172.73
APP	CO	BPFT970825TN	92.7	995.0	107-58-18		.00
Translator for KOTO, Telluride, CO- From Pandora, CO.							

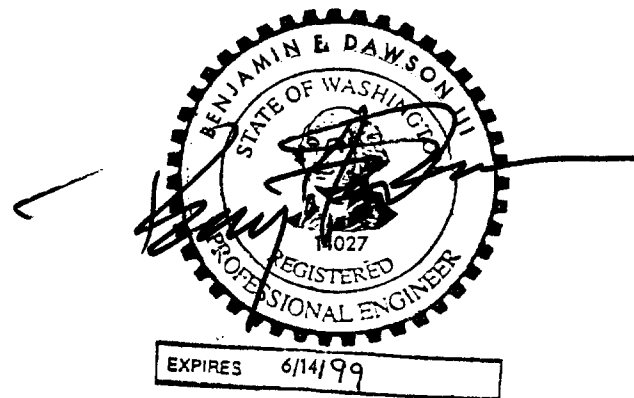
KAZX	Kirtland	275C	100.		36-48-53	265.6	117.81
CPM	NM	BMPH980707IC	102.9	306.0	107-53-34	SS	88.81
CLEAR							

** End of separation study for channel 221A **

CERTIFICATION

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments to assign channel 256C for use at Taos, assign channel 260C2 for use at Angel Fire, and assign channel 221A for use at Chama, has been prepared on behalf of Alpine Broadcasting Limited Partnership. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and California.

Signed this 16th day of February, 1999.



Benj. F. Dawson III, P.E.

Hatfield & Dawson Consulting Engineers


CERTIFICATE OF SERVICE

I, Alicia A. Staples, hereby certify that on February 24, 1999, a copy of the foregoing "Petition for Rule Making" was sent by First Class mail, postage prepaid, to the following:

Mr. Tony Gonzales
1125 Main Highway 17
P.O. Box 455
Chama, NM 87520
Permittee of Channel 255A, Chama, NM

KNXX, Inc.
1217 Valencia, N.E.
Albuquerque, NM 87110
Proposed Assignee of Channel 255A, Chama, NM

Lee Deschamps, Esq.
P.O. Box 909
Ranchos De Taos, NM 87557
Counsel for Moreno Valley Broadcasting


Alicia A. Staples